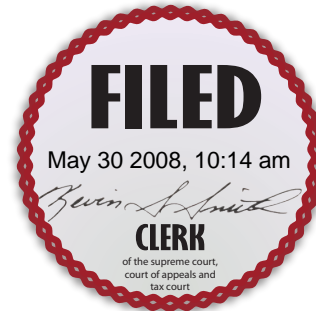


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



ATTORNEY FOR APPELLANT:

DONALD J. FREW
Frew Law Office
Fort Wayne, Indiana

ATTORNEYS FOR APPELLEE:

STEVE CARTER
Attorney General of Indiana

GEORGE P. SHERMAN
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

PAYNE T. RANDLE,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 02A03-0802-CR-67
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE ALLEN SUPERIOR COURT
The Honorable Kenneth R. Scheibenberger, Judge
The Honorable Robert J. Schmoll, Magistrate
Cause No. 02D04-0606-FC-140

May 30, 2008

MEMORANDUM DECISION– NOT FOR PUBLICATION

BAKER, Chief Judge

Appellant-defendant Payne T. Randle appeals the trial court's decision to revoke his participation in the Allen County Corrections Program (the community corrections program). Specifically, Randle argues that the State failed to provide sufficient evidence of his alleged violations while in the program. Finding no error, we affirm.

FACTS

Randle pleaded guilty to class C felony possession of cocaine and class A misdemeanor carrying a handgun without a license on September 7, 2006. On September 29, 2006, the trial court sentenced him to four years imprisonment with three years suspended and ordered him placed on probation for two years after his release. Randle was to maintain full-time employment and abstain from alcohol and drugs as conditions of probation. Appellant's App. p. 33.

While on probation, Randle tested positive for cannabinoids on April 19, 2007, and July 20, 2007, and failed to maintain full-time employment. On August 17, 2007, the State filed a petition to revoke Randle's probation. A hearing was held on August 30, 2007, and Randle admitted that he had violated conditions of his probation. Id. at 51. The trial court took the matter under advisement and, on September 13, 2007, ordered Randle to serve three years with the community corrections program.

Jennifer Cockrell was assigned to be Randle's case manager for the community corrections program. Cockrell met with Randle on September 20, 2007, and informed him that he was required to maintain employment while participating in the program and that if he could not maintain employment, he was required to attend a job search program and

complete fifteen hours of community service. Additionally, Randle was to pay \$98 per week to participate in the program.

During the six weeks Randle was involved in the community corrections program, he did not pay the weekly fee, failed to maintain employment, and failed to complete an employment academy. As a result, Randle was ordered to serve twenty-four hours of community service by November 1, 2007. Randle did not complete the community service by the deadline. Cockrell notified Randle that a conduct adjustment hearing would be held November 7, 2007, but Randle failed to attend the hearing.

On November 8, 2007, the State filed a petition to revoke Randle's placement in the community corrections program. The trial court held a hearing on December 18, 2007, and found that Randle had violated his placement by failing to attend the conduct adjustment hearing, perform community service, complete the employment academy, complete a job search, obtain full-time employment, and pay his fees in a timely manner. Thus, the trial court revoked Randle's placement in the community corrections program and ordered him to serve three years imprisonment with the Department of Correction. Randle now appeals.

DISCUSSION AND DECISION

Randle challenges the sufficiency of the evidence introduced at the hearing to prove that he had violated conditions of the community corrections program. Specifically, Randle emphasizes that the State did not enter exhibits into evidence and produced only one witness—Cockrell.

Community corrections programs are alternatives to incarceration and placement is at

the sole discretion of the trial court. Cox v. State, 706 N.E.2d 547, 549 (Ind. 1999). Placement in such a program is a matter of grace and is a conditional liberty that is a favor, not a right. Id. We apply the same standard of review to a trial court's ruling on a petition to revoke participation in a community corrections program that we do to a ruling on a petition to revoke probation. Id.

A probation revocation hearing is in the nature of a civil proceeding and the alleged violation need be proved only by a preponderance of the evidence. Brooks v. State, 692 N.E.2d 951, 953 (Ind. Ct. App. 1998). When the sufficiency of a factual basis for revocation is challenged, we neither reweigh the evidence nor judge the credibility of the witnesses; instead, we examine the evidence most favorable to the State. Id. If there is substantial evidence of probative value to support the trial court's decision that the probationer is guilty of any violation, then revocation is appropriate. Id. Proof of any one violation is sufficient to revoke a defendant's participation in a community corrections program. Id.

At the hearing, Randle's case manager testified that Randle had failed to pay the fees required to participate in the community corrections program, did not complete the community service hours as ordered, failed to attend a job search, missed several days of an employment academy, and failed to attend a conduct adjustment hearing. Tr. p. 6-8. Moreover, while Randle challenges the sufficiency of the evidence, he admitted at the hearing that he had failed to obtain full-time employment, failed to complete twenty-four hours of community service by the deadline, failed to pay the fees required to participate in the community corrections program, and failed to complete the employment academy. Id. at

19-21. Cockrell's testimony and Randle's admissions constituted sufficient evidence for the trial court to conclude by a preponderance of the evidence that Randle had violated the conditions of his placement in the community corrections program. Because revocation is appropriate if a probationer is guilty of any violation, we find that the trial court did not err by revoking Randle's participating in the community corrections program.

The judgment of the trial court is affirmed.

NAJAM, J., AND BROWN, J., concur.